

REMARKS

The present Amendment is in response to the Official Action mailed May 27, 2009 ("the Action"). Claims 1-7 and 13-16 have been amended, while claims 8-12 and 17-20 have been either canceled herein or previously canceled. No new claims have been added. The following sets forth Applicants' remarks pertaining to the currently pending claims and the Action.

As an initial matter, Applicants respectfully thank the Examiner for contacting the undersigned on April 24, 2009 regarding a possible Examiner's Amendment to move the present case into a condition of allowance. Applicants respectfully apologize for not responding to the Examiner, and understand the Examiner's subsequent issuance of the Action. Moreover, Applicants also respectfully thank the Examiner for conducting the telephonic discussion of June 3, 2009 with the undersigned regarding the Action.

In that latter discussion, the previous indications made by the Examiner as to allowable subject matter were discussed and confirmed. By way of the present Amendment, per the Examiner's suggestions, each and every one of the currently pending claims has been amended to recite a system, with independent claim 1 having been amended to positively recite the two-piece intervertebral disc replacement device. Independent claim 15 already included such limitations, but has been amended herein to recite a system, as opposed to the previously claimed apparatus.

During the June 3rd telephone discussion, the Examiner confirmed that amending the claims in this fashion, as well as canceling method claim 17, would overcome the outstanding rejections set forth in the Action. Therefore, without discussing the rejections in detail, Applicants respectfully submit that the currently pending claims, as amended, constitute allowable subject matter. Should the Examiner disagree with any

of the foregoing, Applicants respectfully request that she contact the undersigned in due course. Applicants do reserve the right to pursue any of the broader and/or canceled claims in one or more continuing applications related to the present case.

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited. If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that she telephone Applicants' attorney at (908) 654-5000 in order to overcome any additional objections which she might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: June 12, 2009

Respectfully submitted,
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